THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24693 of 2006

Dated: 29-11-2006

Between:

Kura Laxmaiah.

..... PETITIONER

AND

The Joint Collector, Nalgonda, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.24693 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.15.32 guntas in survey No.26, Acs.7.37 guntas in survey No.30 and Acs.17.34 guntas in survey No.31 situated at Bhoingir Village and Mandal in Nalgonda District. Respondents 4 and 5 created forged sale deeds and obtained mutation in their favour from respondent No.3, namely, the Mandal Revenue Officer (MRO). Having come to know about the same in September,2002, the petitioner filed an appeal before respondent No.2, namely, the Revenue Divisional Officer (RDO), who, after conducting enquiry remanded the matter to MRO, by order dated 31-01-2004. After remand, MRO passed orders on 30-09-2005 cancelling the mutation in favour of respondents 4 and 5. Feeling aggrieved by the same, respondents 4 and 5 filed an appeal, being Case No.3055 of 2005, before RDO, who issued notices and the matter is pending. Again respondents
4 and 5 preferred a revision petition before respondent No.1, namely, the Joint Collector, against the order dated 31-01-2004 passed by RDO, which was already allowed and the matter was remanded to MRO, who in turn cancelled the mutation. Respondent No.1, the revisional authority, passed the impugned order dated 21-11-2006 dated suspending the orders of RDO dated 31-01-2004 and posted the matter for enquiry to 11-12-2006. The order dated 21-12-2006 is assailed in this writ petition.

The learned counsel for the petitioner submits that pursuant to the order of RDO dated 31-01-2004, MRO conducted enquiry and passed orders dated 30-09-2005 cancelling the mutation and therefore, the order of RDO has worked itself out and no revision would lie. As respondents
4 and 5 also participated in the enquiry before MRO, they have acquiesced and therefore, they cannot seek revision before respondent No.1. Nextly he would urge that respondent No.1 passed orders dated 21-11-2006 suspending the earlier orders of RDO dated 31-01-2004 without application of land.

A perusal of the impugned order dated 21-11-2006 would show that after receiving revision petition filed by respondents 4 and 5 against the orders of RDO dated 31-01-2004, respondent No.1 issued notice to the petitioner. The petitioner appeared though a counsel. The stay petitions were heard on four occasions. After hearing the counsel, respondent No.1 came to a *prima facie* conclusion that RDO exercised

powers beyond his limits by entertaining the appeal against mutation and therefore, passed the orders suspending the order of RDO impugned in the revision. Respondent No.1 also posted the matter to 11-12-2006 for further hearing. This Court, therefore, holds that respondent No.1 acted very fairly in passing the impugned order and suspended the order of RDO only after coming to the conclusion that RDO passed orders in excess of his jurisdiction. A perusal of Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, would show that revisional power is conferred on the Collector (Joint Collector) to call for record and examine the record of any recording authority or appellate authority to satisfy himself that the order passed by the lower authority is legal and proper. In this case, when respondent No.1 is *prima facie* of the opinion that RDO passed orders without jurisdiction, this Court cannot find fault in the impugned order and no interference is called for. However, it would be in the interests of the petitioner and respondents 4 and 5 to observe that respondent No.1 shall dispose of the revision petition on 11-12-2006 without granting any adjournments.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

29th November, 2006
ghn